

House File 364 - Introduced

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BY A. MEYER

A BILL FOR

1 An Act relating to the application of the smokefree air Act to
2 vapor products, and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 142D.2, subsection 21, Code 2023, is
2 amended to read as follows:

3 21. "*Smoking*" means inhaling, exhaling, burning, or carrying
4 any lighted cigar, cigarette, pipe, or other tobacco product
5 and using a vapor product in any manner or in any form.

6 "*Smoking*" does not include smoking that is associated with a
7 recognized religious ceremony, ritual, or activity, including
8 but not limited to burning of incense.

9 Sec. 2. Section 142D.2, Code 2023, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 23. "*Vapor product*" means the same as
12 defined in section 453A.1.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with
15 the explanation's substance by the members of the general assembly.

16 This bill provides for the application of Code chapter 142D
17 (smokefree air Act) to vapor products. Under Code chapter
18 142D, smoking is prohibited and a person shall not smoke in
19 public places, all enclosed areas within places of employment,
20 areas declared smoking places by the person having custody or
21 control of the area, and outdoor areas, with exceptions.

22 A person who smokes in an area where smoking is prohibited
23 is subject to a civil penalty of \$50. A person who owns,
24 operates, manages, or otherwise has custody or control of
25 a public place, place of employment, outdoor area, or area
26 declared a nonsmoking place who fails to comply with Code
27 chapter 142D is subject to a civil penalty ranging from \$100
28 for a first violation to \$500 for each violation in excess of a
29 second violation within one year. An employer who discharges
30 or in any manner discriminates against an employee due to an
31 employee's complaint, provision of information, or legal action
32 under the Code chapter is subject to a civil penalty of not
33 less than \$2,000 and not more than \$10,000 for each violation.
34 Noncompliance with the Code chapter by a person who owns,
35 operates, manages, or who otherwise has custody or control of a

1 public place, place of employment, area declared a nonsmoking
2 place, or outdoor area regulated under the Code chapter may
3 result in the suspension or revocation of any permit or license
4 issued to the person for the premises on which the violation
5 occurred.